

THE HON. JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

In re VALVE ANTITRUST LITIGATION

Lead Case No. 2:21-cv-00563-JCC

STIPULATED MOTION TO MODIFY
CASE SCHEDULE

NOTE ON MOTION CALENDAR:
January 12th, 2024

Plaintiffs Wolfire Games, LLC, Dark Catt Studios Holdings, Inc., and Dark Catt Studios Interactive LLC (collectively “Plaintiffs”) and Defendant Valve Corporation (“Defendant”), by and through their undersigned counsel of record, hereby stipulate and agree as follows:

1. The Court entered a Case Schedule on August 23, 2022 (Dkt. #98), which set certain case deadlines through summary judgment briefing.

2. On May 2, 2023, the Court granted the parties’ Stipulated Motion to Modify Case Schedule (Dkt. #130) extending that Case Schedule as follows:

EVENT	DEADLINE
Substantial Completion of Parties’ Document Productions	August 1, 2023
Final Deadline for Service of Third-Party Document Subpoenas	August 31, 2023
Close of Fact Discovery	November 30, 2023

STIP. MOT. TO MODIFY CASE SCHEDULE
Case No. 2:21-cv-00563-JCC

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1 2 3	Deadline to (i) file Plaintiffs' Motion for Class Certification accompanied by the evidence and declarations on which Plaintiffs rely, and (ii) disclose Plaintiffs' Class Certification Expert Report(s)	January 26, 2024
4 5 6 7	Deadline to (i) file Valve's Opposition to Class Certification accompanied by the evidence and declarations on which Valve relies, (ii) disclose Valve's Class Certification Expert Report(s), and (iii) file Valve's Daubert Motions on Plaintiffs' Class Certification Expert(s)	May 10, 2024
8 9 10 11	Deadline to (i) file Plaintiffs' Class Certification Reply, (ii) disclose Plaintiffs' Rebuttal Class Certification Expert Report(s), (iii) file Plaintiffs' Daubert Oppositions, and (iv) file Plaintiffs' Daubert Motions on Valve's Class Certification Expert(s)	July 12, 2024
12	Deadline to Complete Class Certification Expert Discovery	July 26, 2024
13 14	Deadline to file Valve's Daubert Replies and Valve's Opposition to Plaintiffs' Daubert Motions	August 12, 2024
15 16	Deadline to file Plaintiffs' Daubert Replies	August 26, 2024

3. On December 1, 2023, the Court then granted the parties' Stipulated Motion for Extension of Deposition Deadline (Dkt. # 172), extending the deadline to take certain depositions. The parties have since completed most of the depositions identified in that Stipulated Motion.

4. The parties have been working to complete fact discovery, but have concluded that additional time is needed to complete certain tasks. Specifically, the parties continue to meet and confer regarding (a) certain discovery requests Plaintiffs served on Valve prior to the fact discovery cut-off, and (b) matters concerning the preservation of data by Plaintiff Dark Catt. In addition, two third-party depositions identified in the Stipulated Motion granted December 1 remain to be taken (Microsoft Corporation and Nate Muller) which, at the witness' request, need

to be scheduled for the end of January 2024.¹ At least one if not both of those depositions are expected to be scheduled after the Plaintiffs' current January 26, 2024 deadline to file their Motion for Class Certification.

5. Accordingly, the parties request that the Court extend certain deadlines as set forth in the chart below, while maintaining the remainder of the current case schedule:

EVENT	CURRENT DATE	PROPOSED DATE
Deadline to complete the depositions of Nate Muller and Microsoft Corporation	December 15, 2023	January 31, 2024
Deadline to (i) file Plaintiffs' Motion for Class Certification accompanied by the evidence and declarations on which Plaintiffs rely, and (ii) disclose Plaintiffs' Class Certification Expert Report(s)	January 26, 2024	February 8, 2024
Deadline to (i) file Valve's Opposition to Class Certification accompanied by the evidence and declarations on which Valve relies, (ii) disclose Valve's Class Certification Expert Report(s), and (iii) file Valve's Daubert Motions on Plaintiffs' Class Certification Expert(s)	May 10, 2024	May 17, 2024
Deadline to (i) file Plaintiffs' Class Certification Reply, (ii) disclose Plaintiffs' Rebuttal Class Certification Expert Report(s), (iii) file Plaintiffs' <i>Daubert</i> Oppositions, and (iv) file Plaintiffs' <i>Daubert</i> Motions on Valve's Class Certification Expert(s)	July 12, 2024	July 12, 2024

¹ Valve has objected to Mr. Muller's deposition on grounds that it exceeds the number of permitted party depositions, which Plaintiffs deny.

Deadline to Complete Class Certification Expert Discovery	July 26, 2024	July 26, 2024
Deadline to file Valve's <i>Daubert</i> Replies and Valve's Opposition to Plaintiffs' <i>Daubert</i> Motions	August 12, 2024	August 12, 2024
Deadline to file Plaintiffs' <i>Daubert</i> Replies	August 26, 2024	August 26, 2024

6. The parties respectfully request that the Court enter the below Order extending the deadlines as stipulated.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 12th day January, 2024.

/s/ Alicia Cobb

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Attorneys for Defendant Valve Corporation

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED this ____ day of _____, 2024.

3 _____
4 John C. Coughenour
5 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

DATED: January 12, 2024

/s/ Alicia Cobb

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